

Reimbursement of costs in trial proceedings and enforcement proceedings

Abstract

The aim of the thesis is to describe comprehensively the issue of reimbursement of costs in trial proceedings and enforcement proceedings. Sometimes, it is considered to be only a marginal part of the civil procedure, however the reimbursement of costs is certainly very important for both parties to a case. Reimbursement of costs of proceedings is a very interesting topic that has been undergoing turbulent development in recent years.

The thesis is divided into an introduction, three main parts and a conclusion. The introduction focuses mainly on the definition of the objectives of the thesis and subsequently the interest of the general public in the issue of reimbursement of cost is analyzed.

The first part provides the general description of the institute of costs of proceedings and defines the essential terms related to this issue. Subsequently, the types of costs of proceedings and legal regulation connected with them are examined.

The second part of the thesis focuses on reimbursement of costs in trial proceedings. The initial chapter explicates general rules contained in the Civil Procedure Code, which are based mainly on the principle of success in the case and the principle of fault. All exceptions to these principles are described too. The second part of the thesis also deals with the efficient spending of costs, the reminder before court action, the discretionary power of a judge and the decision-making process on reimbursement of costs. Finally, special rules contained in the Act on Special Court Proceedings as well as remedies are outlined.

The third part is concerned with reimbursement of costs in enforcement proceedings. This part is divided into the chapter that analyzes reimbursement of costs in enforcement proceedings under the Civil Procedure Code and the chapter which examines reimbursement of costs in enforcement proceedings under the Enforcement Code. In both of these chapters, the specific types of costs are mentioned first. Rules determining who pays costs of proceedings and who reimburses costs of proceedings

are explicated afterwards. Emphasis is placed on the types of costs which are reimbursed in enforcement proceedings conducted under the Enforcement Code.

The conclusion contains a summary of the issue and possible changes to the legislation are discussed there too.

Key words: reimbursement of costs, civil proceedings, success in the case